

REMARKS

Claims 1-35 are all the claims currently pending in the application. Claims 1-3 and 8-24 are withdrawn from consideration as being drawn to a non-elected invention. Claims 4-7 and 25-35 currently stand rejected as discussed below.

The Examiner has not acknowledged Applicants' claim to foreign priority and has not indicated receipt of the certified copy of the Priority Document JP 2001-024903 filed on November 28, 2001. Applicant requests acknowledgement of foreign priority in the next office action.

In regard to the claim rejections, claims 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Okino et al. (USP 4,952,272) and Claims 25-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA) in view of Okino et al. and *vice versa*.

For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Argument

Applicant has amended the claims to explicitly recite that the claimed mask is applied, as illustrated clearly in FIGS. 4 and 6, such that no portions of the mask are isolated from the rest of the mask. As discussed, for example, at page 10, lines 19-22 and page 13, lines 14-21, by providing the mask in a non-isolation manner, the problem of *mask peeling* during a subsequent etching step is avoided.

Okino et al. does not teach or suggest a non-isolation type mask as claimed. To the contrary, the mask(s) disclosed in Okino et al. are isolated. For example, as disclosed at column 3, line 67 through column 4, line 1, the mask pattern (e.g., 9 in FIG. 2(b)) “may include a circle, an ellipse and other polygons such as a triangle, a square, a pentagon and the like.” Each of the disclosed mask portions that are formed in the shape of a circle, etc., are isolated from the rest of the mask material. Accordingly, unlike a device in accordance with the claimed invention, the device disclosed in Okino et al. is subject to mask peeling during an etching step.

Because each of claims 4-7 and 25-35, expressly requires the above-discussed feature, each of these claims is patentable over the cited prior art of record. Withdrawal of the rejection of each of these claims is, thus, warranted.

Conclusion

In view of the foregoing amendments and remarks, the application is believed to be in form for immediate allowance with claims **4-7 and 25-35**, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/842,047

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Kevin M. Barner
Registration No. 46,075

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 7, 2004

Attorney Docket No.: Q64291